

HOUSE BILL No. 1333

DIGEST OF INTRODUCED BILL

Citations Affected: IC 9-13-2-161; IC 9-19-13-1; IC 9-21; IC 20-27; IC 33-37-4-2.

Synopsis: Camera enforcement of school bus arm violations. Provides that a school corporation or nonpublic school may install cameras on school buses to enforce arm signal traffic violations (camera enforcement). Allows a school corporation to pay for costs associated with camera enforcement from the school corporation's school transportation fund. Imposes civil penalties for arm signal violations detected by camera enforcement.

Effective: July 1, 2016.

Smith M

January 12, 2016, read first time and referred to Committee on Roads and Transportation.



Second Regular Session of the 119th General Assembly (2016)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2015 Regular Session of the General Assembly.

HOUSE BILL No. 1333

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 9-13-2-161, AS AMENDED BY P.L.146-2009,
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2016]: Sec. 161. (a) "School bus" means, except as provided
4 in subsections (b) and (c), a:
5 (1) bus;
6 (2) hack;
7 (3) conveyance;
8 (4) commercial motor vehicle; or
9 (5) motor vehicle;
10 used to transport preschool, elementary, or secondary school children
11 to and from school and to and from school athletic games or contests
12 or other school functions. The term does not include a privately owned
13 automobile with a capacity of not more than five (5) passengers that is
14 used for the purpose of transporting school children to and from school.
15 (b) "School bus", for purposes of IC 9-21, means a motor vehicle
16 owned by a public or governmental agency and operated for the
17 transportation of children to or from school, including project



1 headstart, or privately owned and operated for compensation for the
 2 transportation of children to and from school, including project
 3 headstart.

4 (c) "School bus", for purposes of IC 9-19-11-1(1), means a motor
 5 vehicle:

6 (1) that meets the federal school bus safety requirements under 49
 7 U.S.C. 30125; or

8 (2) that meets the federal school bus safety requirements under 49
 9 U.S.C. 30125 except the:

10 (A) ~~stop signal arm~~ **arm signal device** required under federal
 11 motor vehicle safety standard (FMVSS) no. 131; and

12 (B) flashing lamps required under federal motor vehicle safety
 13 standard (FMVSS) no. 108.

14 SECTION 2. IC 9-19-13-1, AS AMENDED BY P.L.1-2005,
 15 SECTION 101, IS AMENDED TO READ AS FOLLOWS
 16 [EFFECTIVE JULY 1, 2016]: Sec. 1. The state school bus committee
 17 established by IC 20-27-3-1 shall adopt and enforce rules under
 18 IC 4-22-2 not inconsistent with this chapter **or IC 9-21-22** to govern
 19 the design and operation of all school buses used for the transportation
 20 of school children when owned and operated by a school corporation
 21 or privately owned and operated under contract with an Indiana school
 22 corporation. The rules must by reference be made a part of such a
 23 contract with a school corporation. Each school corporation, officer and
 24 employee of the school corporation, and person employed under
 25 contract by a school district is subject to those rules.

26 SECTION 3. IC 9-21-8-52, AS AMENDED BY P.L.188-2015,
 27 SECTION 77, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 28 JULY 1, 2016]: Sec. 52. (a) A person who operates a vehicle and who
 29 recklessly:

30 (1) drives at such an unreasonably high rate of speed or at such an
 31 unreasonably low rate of speed under the circumstances as to:

32 (A) endanger the safety or the property of others; or

33 (B) block the proper flow of traffic;

34 (2) passes another vehicle from the rear while on a slope or on a
 35 curve where vision is obstructed for a distance of less than five
 36 hundred (500) feet ahead;

37 (3) drives in and out of a line of traffic, except as otherwise
 38 permitted; or

39 (4) speeds up or refuses to give one-half (1/2) of the roadway to
 40 a driver overtaking and desiring to pass;

41 commits a Class C misdemeanor. However, the offense is a Class A
 42 misdemeanor if it causes bodily injury to a person.



(b) A person who operates a vehicle and who recklessly passes a school bus stopped on a roadway when the arm signal device specified in IC 9-21-12-13 is in the device's extended position commits a Class B misdemeanor. However, the offense is a Class A misdemeanor if it causes bodily injury to a person. **A recorded image (as defined in IC 9-21-22-3) may be used as evidence in a criminal proceeding under this subsection.**

(c) If an offense under subsection (a) or (b) results in damage to the property of another person, it is a Class B misdemeanor and the court may recommend the suspension of the current driving license of the person convicted of the offense described in this subsection for a fixed period of not more than one (1) year.

SECTION 4. IC 9-21-12-1, AS AMENDED BY P.L.217-2014, SECTION 52, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) A person who drives a vehicle that:

(1) meets or overtakes from any direction a school bus stopped on a roadway and is not stopped before reaching the school bus when the arm signal device specified in IC 9-21-12-13 is in the device's extended position; or

(2) proceeds before the arm signal device is no longer extended; commits a Class A infraction.

(b) This section is applicable only if the school bus is in substantial compliance with the markings required by the state school bus committee.

(c) There is a rebuttable presumption that the owner of the vehicle involved in the violation of this section committed the violation. This presumption does not apply to the owner of a vehicle involved in the violation of this section if the owner routinely engages in the business of renting the vehicle for periods of thirty (30) days or less.

(d) A violation of subsection (a) may be enforced by camera enforcement under IC 9-21-22.

SECTION 5. IC 9-21-22 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]:

Chapter 22. Camera Enforcement of Traffic Violations

Sec. 1. As used in this chapter, "camera enforcement" means the enforcement of a traffic violation under section 6 of this chapter.

Sec. 2. As used in this chapter, "nonpublic school" has the meaning set forth in IC 20-18-2-12.

Sec. 3. As used in this chapter, "recorded image" means a digital image that:



(1) is recorded by a camera that is mounted on a school bus;
and

(2) shows the date and time the image was recorded.

Sec. 4. As used in this chapter, "school corporation" has the meaning set forth in IC 20-18-2-16(a).

Sec. 5. As used in this chapter, "traffic violation" refers to a violation of IC 9-21-12-1.

Sec. 6. (a) The following may enter into an enforcement agreement with a contractor to install cameras on school buses to use recorded images to enforce traffic violations:

(1) A school corporation.

(2) A nonpublic school.

(b) A school corporation may pay for costs associated with camera enforcement from the school corporation's school transportation fund established under IC 20-40-6-4.

Sec. 7. An enforcement agreement under section 6 of this chapter must include the following:

(1) The names and addresses of all law enforcement agencies:

(A) that are authorized to enforce traffic violations; and

(B) to which recorded images will be provided for enforcement or evidentiary purposes.

(2) All traffic violations:

(A) that may be enforced through camera enforcement;
and

(B) for which a recorded image may be used for evidentiary purposes.

(3) A requirement that a complaint and summons for a traffic violation may not be issued to the owner of a vehicle unless the issuing law enforcement agency possesses a written report from the operator of the school bus that was passed by the vehicle and that was the subject of the complaint and summons. The written report must:

(A) document the alleged violating incident; and

(B) have been made contemporaneously with the employment shift of the operator of the school bus when the incident occurred.

(4) A requirement that the camera may not activate until the school bus's arm signal device specified in IC 9-21-12-13 has been deployed.

(5) A requirement that each recorded image must contain electronic verification that the school bus's arm signal device specified in IC 9-21-12-13 was in the device's extended



position when the image was recorded.

(6) A requirement that a law enforcement agency described in subdivision (1) shall send to the owner of a vehicle that is the subject of a recorded image the following:

(A) A complaint and summons for the alleged traffic violation on a form that complies with IC 9-30-3-6.

(B) A recorded image showing the vehicle at the time of the alleged traffic violation.

(C) A verified statement by a law enforcement officer authorized to enforce this section stating that:

(i) based upon inspection of recorded images, the operator of the vehicle committed a traffic violation; and

(ii) the traffic violation was not otherwise authorized by law.

(D) Information regarding how the owner of the vehicle that is the subject of the recorded image may provide the name and address of the individual alleged to have been operating the vehicle at the time of the traffic violation, if the owner was not the operator.

(E) Any other information usually transmitted to individuals alleged to have committed a traffic violation.

All documents and other information required under this subdivision must be sent by regular mail addressed to the owner of the vehicle and postmarked not later than ten (10) days after the date of the alleged traffic violation.

(7) A regular inspection schedule for all hardware, including cameras, installed on a school bus for purposes of camera enforcement.

(8) A requirement that the school corporation or nonpublic school enter into a written agreement with each law enforcement agency described in subdivision (1) concerning the distribution of civil penalties collected under this chapter.

(9) Any other provisions that the school corporation or nonpublic school considers necessary.

Sec. 8. There is a rebuttable presumption that the owner of a vehicle that is the subject of a recorded image was operating the vehicle when the image was recorded. The presumption does not apply to the owner of a vehicle that is the subject of a recorded image if the owner routinely engages in the business of renting the vehicle for periods of thirty (30) days or less.

Sec. 9. The bureau may not assess points under the point system for a traffic violation that is enforced through camera



enforcement.

Sec. 10. (a) An individual against whom a judgment is entered for committing a traffic violation that was detected and enforced through camera enforcement is liable for a civil penalty as follows:

(1) If the individual does not have a prior adjudication based on the same traffic violation within the previous five (5) years, three hundred dollars (\$300).

(2) If the individual has one (1) prior adjudication based on the same traffic violation within the previous five (5) years, seven hundred fifty dollars (\$750).

(3) If the individual has more than one (1) prior adjudication based on the same traffic violation within the previous five (5) years, one thousand dollars (\$1,000).

(b) A civil penalty imposed under this section shall be deposited under the terms of the written agreement described in section 7(8) of this chapter under which the traffic violation for which the civil penalty was imposed was enforced.

(c) A civil penalty imposed under this section is the only penalty that may be imposed under this chapter for a traffic violation. Notwithstanding IC 34-28-5-4, an individual against whom a judgment is entered for a traffic violation that is enforced by camera enforcement is not liable for the amount prescribed in IC 34-28-5-4(a) or for additional court costs. However, a court may deduct costs from the civil penalty imposed under subsection (a) as long as the amount imposed on the individual does not exceed the applicable amount set forth in this section.

SECTION 6. IC 20-27-2-10, AS ADDED BY P.L.1-2005, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 10. "Special purpose bus" means a motor vehicle:

(1) that is designed and constructed for the accommodation of more than ten (10) passengers;

(2) that:

(A) meets the federal school bus safety requirements under 49 U.S.C. 30125 except the:

(i) ~~stop signal~~ arm **signal device** required under federal motor vehicle safety standard (FMVSS) no. 131; and

(ii) flashing lamps required under federal motor vehicle safety standard (FMVSS) no. 108;

(B) when owned by a school corporation and used to transport students, complies with the Federal Motor Carrier Safety Regulations as prescribed by the United States Department of Transportation Federal Motor Carrier Safety Administration as



1 set forth in 49 CFR Chapter III Subchapter B; or
 2 (C) when owned by a school corporation and used to transport
 3 students, is a motor coach type bus with a capacity of at least
 4 thirty (30) passengers and a gross vehicle weight rating greater
 5 than twenty-six thousand (26,000) pounds; and
 6 (3) that is used by a school corporation for transportation
 7 purposes appropriate under IC 20-27-9-5.

8 SECTION 7. IC 20-27-3-6, AS ADDED BY P.L.1-2005, SECTION
 9 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
 10 2016]: Sec. 6. The committee shall adopt and enforce rules under
 11 IC 4-22-2 that allow the display of the United States flag on a school
 12 bus operated by or on behalf of a school corporation. The rules must
 13 provide that a flag displayed on a school bus may not be placed in a
 14 manner that:

- 15 (1) obstructs the school bus driver's vision through the windshield
- 16 or any other window;
- 17 (2) impedes the school bus driver's operation of any equipment;
- 18 or
- 19 (3) distracts the attention of other motorists from the school bus's
- 20 warning lamps or ~~stop signal~~ arm **signal device** when the school
- 21 bus is loading or unloading students.

22 SECTION 8. IC 20-27-9-16, AS AMENDED BY P.L.70-2009,
 23 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 24 JULY 1, 2016]: Sec. 16. (a) Except as provided in subsection (b),
 25 whenever a school bus is purchased for and is being used for any
 26 purpose except to transport students, the purchaser shall:

- 27 (1) remove the flasher lights;
- 28 (2) remove the ~~stop~~ arm **signal device**; and
- 29 (3) paint the bus any color except the national standard school bus
- 30 chrome yellow.

31 (b) Whenever a school bus is purchased for use, and is being used,
 32 as a church bus (as defined in IC 9-29-5-9(a)), the purchaser:

- 33 (1) may retain the flasher lights if the purchaser renders the
- 34 flasher lights inoperable;
- 35 (2) may retain the ~~stop~~ arm **signal device** if the purchaser renders
- 36 the ~~stop~~ arm **signal device** inoperable; and
- 37 (3) shall paint the bus any color except the national standard
- 38 school bus chrome yellow.

39 SECTION 9. IC 33-37-4-2, AS AMENDED BY P.L.182-2009(ss),
 40 SECTION 393, IS AMENDED TO READ AS FOLLOWS
 41 [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) Except as provided in
 42 subsections (d) and (e), for each action that results in a judgment:



- (1) for a violation constituting an infraction; or
- (2) for a violation of an ordinance of a municipal corporation (as defined in IC 36-1-2-10);

the clerk shall collect from the defendant an infraction or ordinance violation costs fee of seventy dollars (\$70).

(b) In addition to the infraction or ordinance violation costs fee collected under this section, the clerk shall collect from the defendant the following fees, if they are required under IC 33-37-5:

- (1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or IC 33-37-5-4).
- (2) An alcohol and drug services program user fee (IC 33-37-5-8(b)).
- (3) A law enforcement continuing education program fee (IC 33-37-5-8(c)).
- (4) An alcohol and drug countermeasures fee (IC 33-37-5-10).
- (5) A highway work zone fee (IC 33-37-5-14).
- (6) A deferred prosecution fee (IC 33-37-5-17).
- (7) A jury fee (IC 33-37-5-19).
- (8) A document storage fee (IC 33-37-5-20).
- (9) An automated record keeping fee (IC 33-37-5-21).
- (10) A late payment fee (IC 33-37-5-22).
- (11) A public defense administration fee (IC 33-37-5-21.2).
- (12) A judicial insurance adjustment fee (IC 33-37-5-25).
- (13) A judicial salaries fee (IC 33-37-5-26).
- (14) A court administration fee (IC 33-37-5-27).
- (15) A DNA sample processing fee (IC 33-37-5-26.2).

(c) The clerk shall transfer to the county auditor or fiscal officer of the municipal corporation the following fees, not later than thirty (30) days after the fees are collected:

- (1) The alcohol and drug services program ~~user~~ fee (IC 33-37-5-8(b)).
- (2) The law enforcement continuing education program fee (IC 33-37-5-8(c)).
- (3) The deferral program fee (subsection (e)).

The auditor or fiscal officer shall deposit the fees in the user fee fund established under IC 33-37-8.

(d) The defendant is not liable for any ordinance violation costs fee in an action if all the following apply:

- (1) The defendant was charged with an ordinance violation subject to IC 33-36.
- (2) The defendant denied the violation under IC 33-36-3.
- (3) Proceedings in court against the defendant were initiated



1 under IC 34-28-5 (or IC 34-4-32 before its repeal).

2 (4) The defendant was tried and the court entered judgment for
3 the defendant for the violation.

4 (e) Instead of the infraction or ordinance violation costs fee
5 prescribed by subsection (a), except for the automated record keeping
6 fee (IC 33-37-5-21), the clerk shall collect a deferral program fee if an
7 agreement between a prosecuting attorney or an attorney for a
8 municipal corporation and the person charged with a violation entered
9 into under IC 34-28-5-1 (or IC 34-4-32-1 before its repeal) requires
10 payment of those fees by the person charged with the violation. The
11 deferral program fee is:

12 (1) an initial user's fee not to exceed fifty-two dollars (\$52); and

13 (2) a monthly user's fee not to exceed ten dollars (\$10) for each
14 month the person remains in the deferral program.

15 (f) The fees prescribed by this section are costs for purposes of
16 IC 34-28-5-5 and may be collected from a defendant against whom
17 judgment is entered. **Except as provided in IC 9-21-22-10 for a**
18 **traffic violation enforced through camera enforcement under**
19 **IC 9-21-22**, any penalty assessed is in addition to costs.

